

CITY COUNCIL AGENDA

FEBRUARY 5, 2008

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:00 p.m. - Evening Session **CANCELED**
- **Invocation (District 2)**
Pastor Dave Sawkins, Venture Christian Church presented a prayer for the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 3.2 deferred to 2/12/08.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Parking and Traffic Committee, a group of volunteer residents, which met for six years as an oversight group for City Hall construction and were instrumental in completing the large civic project with little disruption to the surrounding neighborhoods. (Liccardo)
Deferred per Rules Committee.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to the Exchange Club of San José for their generous donation of the “Freedom Shrine” exhibit to San José City Hall and their commitment to the community. (Mayor)
(Rules Committee referral 1/23/08)
Mayor Reed recognized and commended the Exchange Club of San José for their generous donation of the “Freedom Shrine” exhibit to the City of San José and their commitment to the residents.
- 1.3 Presentation of a commendation to Sister Margaret Gregg for her tireless efforts to help the homeless and to end homelessness. (Mayor/Housing)
(Rules Committee referral 1/30/08)
Mayor Reed and Director of Housing Leslye Krutko recognized and commended Sister Margaret Gregg for her diligent efforts to help the homeless and to stop homelessness.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Special meeting minutes of December 17, 2007
- (b) Regular minutes of December 18, 2007

Approved.

2.2 Final adoption of ordinances. There were none.

2.3 Grant Application for Compressed Natural Gas Vehicle Conversion at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to execute a grant agreement with the Santa Clara Valley Transportation Authority in the total amount of \$606,393 to:

- (a) Provide funding to assist in the upgrade of the Airport’s Compressed Natural Gas fueling station; and
- (b) Assist ground transportation operators, permitted to work at the Mineta San José International Airport, to convert their gasoline powered vehicles to compressed natural gas.

CEQA: Resolution Nos. 67380 and 71451, File No. PP08-005. (Airport)

Resolution No. 74229 adopted.

2. CONSENT CALENDAR

2.4 Public Art Project at the Santa Teresa Branch Library.

Recommendation: Approval of an agreement with Beatrice Coron to fabricate and install artwork for the Santa Teresa Branch Library in a total amount not to exceed \$159,445.

CEQA: Exempt, File No. PP05-184. Council District 2. (Economic Development)

Approved.

2.5 Waste Characterization Consulting Services Agreement.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Cascadia Consulting Group, Inc., to provide waste characterization consulting services to the Environmental Services Department for a term from February 11, 2008 through July 31, 2008 in an amount not to exceed \$400,000.

CEQA: Not a Project. (Environmental Services)

Resolution No. 74230 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) No Report.

3.2 Report of the Rules and Open Government Committee – January 23, 2008 Mayor Reed, Chair Deferred to 2/12/08 per Orders of the Day.

3.3 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair No Report.

3.4 Report of the Rules and Open Government Committee – January 16, 2008 Mayor Reed, Chair The Rules and Open Government Committee Report and the Actions of January 16, 2008 were accepted.

3. STRATEGIC SUPPORT SERVICES

3.5 Support Position for Federal Housing Legislation.

Recommendation: As recommended by the Rules and Open Government Committee of January 30, 2008, adopt a position of support for the following Federal Housing Legislation:

- (a) H.R. 3915 (Miller) – Mortgage Reform and Anti-Predatory Lending Act of 2007, if amended.
 - (b) S. 2036 (Schumer) – Protecting Access to Safe Mortgages Act.
 - (c) S. 2452 (Dodd) – Homeownership Preservation and Protection Act of 2007. (Housing)
- (Rules Committee referral 1/30/08)

Support Positions adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair No Report.

4.2 Amendment for property located on the east side of Almaden Expressway approximately 300 feet northerly of Fleetwood Drive.

Recommendation: Tentative Denial of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (8 DU/AC) on a 1.82-acre site located on the east side of Almaden Expressway approximately 300 feet northerly of Fleetwood Drive (Tom Mazzone, Owner and Applicant). CEQA: Incomplete. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends continued processing of the application (6-0-1, Commissioner Platten Absent).

GP07-10-01 – District 10

Deferred to 2/26/08 per Administration.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Council Member Chirco, Chair No Report.

5. NEIGHBORHOOD SERVICES

5.2 Actions related to the acquisition of a billboard located at 1000 South Bascom.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition of a billboard owned by Clear Channel Outdoor (“CCO”) located at 1000 South Bascom, San José, CA (APN Numbers 282-29-002, 003, and 004) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, File No. PP05-0126.

Council District 6. (Public Works)

(Deferred from 12/4/07 – Item 3.6, 12/18/07 – Item 5.2 and 1/8/08 – Item 5.2)

Dropped per Administration.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee Council Member Williams, Chair

No Report.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
None were presented.
- **Adjournment**
The Council of the City of San José adjourned the meeting at 1:53 p.m. in the memory of William Dalrymple Smythe, a longtime activist and philanthropist in Santa Clara Valley who contributed generously and passionately to those in need.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearings at this time.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located at the northwest corner of Los Gatos-Almaden Road and Warwick Road (14861 Los Gatos-Almaden Road) from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.99 gross acre site (Abdy Mirzadegan, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C07-087 - District 9

[Deferred from 1/29/08 – Item 11.1(f)]

Dropped, to be renoticed.

- (b) Consideration of an ordinance rezoning the real property located at/on the west side of South 22nd Street, approximately 400 feet northerly of East San Fernando Street (29 S 22nd Street) from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow one existing and one new single-family detached residence on a 0.17 gross acre site. SNI: Five Wounds/Brookwood Terrace. CEQA: Incomplete.

PDC06-091 – District 3

Dropped, withdrawn by Applicant.

- (c) Consideration of an ordinance rezoning the real property located on the north side of San Felipe Road, approximately 650 feet south of Fowler Road (3810 San Felipe Road) from Agriculture to R-1-5 Single Family Residence Zoning District on a 0.46 gross acre site (Li Chaoyang and Cao Hong, Owner). CEQA: Resolution No. 65459.

C07-093 – District 8

Continued to 2/26/08 per Administration.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar (Cont'd.)

- (d) Consideration of an ordinance rezoning the real property located at/on the east side of Almaden Road, approximately 450 feet south of McKean Road (19600 Almaden Road) from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to six single-family detached residences on a 1.09 gross acre site (Masoumi Mike Et Al, Owner; Mike Masoumi, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC07-037 – District 10

Continued to 2/26/08 per Administration.

11.2 Rezoning the real property located on the north side of East Taylor Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the north side of East Taylor Street approximately 110 feet east of North Second Street (65 E. Taylor Street) from R-M Multi-Family Residential District to A(PD) Planned Development Zoning District to allow office uses in an existing single-family residence on a 0.13 gross acre site (Lindstrom Cary O., Owner). CEQA: Incomplete. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (6-0-1).

PDC05-123 – District 3

Continued to 2/26/08 per Administration.

- Notice of City Engineer's Pending Decision on Final Maps
None.
- Notice of City Engineer's Award of Construction Projects
None.